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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,736	11/14/2006	Joachim Lohr	L7725.06113	8628
52989	7590	02/26/2010		
Dickinson Wright PLLC James E. Ledbetter, Esq. International Square 1875 Eye Street, N.W., Suite 1200 Washington, DC 20006			EXAMINER WIN, AUNG T	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 02/26/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/583,736	Applicant(s) LOHR ET AL.	
	Examiner AUNG WIN	Art Unit 2617	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 February 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 42,43,45-47,49,51,53,54,56-58,60,62,63 and 68-74.
Claim(s) withdrawn from consideration: 1-41,44,48,50,52,55,59,61 and 64-67.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Patrick N. Edouard/
Supervisory Patent Examiner, Art Unit 2617

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant argues that Cheng does not disclose the Applicant's claimed subject matter of:

- (1) receiving radio bearer mapping information indicating which one of a plurality of scheduling modes is to be assigned to a logical channel and
- (2) assigning the indicated scheduling mode to the logical channel because Cheng does not teach two scheduling modes and only teach one scheduling mode i.e., scheduled mode.

Examiners disagree.

Beckmann et al. discloses

receiving radio bearer mapping information that indicates priority of the logical channel to which the respective radio bearer to be mapped [RB mapping info comprises indications such as for the UL prioritization information for the logical channel: paragraph 0035-0042] and Mapping logical channels to single transport channel [more than one logical channels can be mapped to single transport channel: 0028].

Cheng et al. discloses two scheduling modes i.e., autonomous mode and scheduled mode [Node B controlled scheduling modes i.e., autonomous, scheduled: 0055] [transmission modes on the uplink may include at least an autonomous transmission mode and a scheduled transmission mode: 0029]. At the time invention of made, 3GPP published documents supports that autonomous mode is one of scheduling mode.

Cheng et al. also discloses

receiving transmitting parameter (i.e., radio bearer mapping information) that indicates priority or radio channel condition parameter [transmission parameter from received signaling message may be priority indication parameter or radio channel condition parameter: 0028] and scheduling modes of the logical channel that is to be mapped [Based on transmission parameter from received signaling message, transmission mode for uplink transmission may be selected i.e., received transmission parameter indicates which one of plurality of scheduling modes is to be assigned to a logical channel: 0029], and mapping logical channels to transport channel according to scheduling modes [one or more logical channels to at least one transport channel for uplink transmission in accordance with the selected transmission mode: 0029].

Therefore, it would have been obvious to one of ordinary skilled in the art that modifying radio bearer mapping parameter and transmission method and terminal of Beckmann et. al. according to Cheng et al. teaching to assign logical channel with scheduling mode from received radio bearer mapping information that indicates scheduling mode (i.e., received transmission parameter of priority or radio channel condition parameter indicates the transmission mode of logical channel according to Cheng et al. teaching) and to map logical channels to signal transport channels based on priority and transmission mode (i.e., mapping logical channels assigned with priority having same transmission mode to single transport channel) would teach the Applicant's claimed subject matter according to independent claims. Therefore, applicant's arguments are not persuasive. .